

**(2) Peer-review panels for particular competitions**

**(A) Composition**

The Secretary shall ensure that each subpanel selected from the standing panel that reviews an application under part B or C includes—

- (i) individuals with knowledge and expertise on the issues addressed by the activities described in the application; and
- (ii) to the extent practicable, parents of children with disabilities ages birth through 26, individuals with disabilities, and persons from diverse backgrounds.

**(B) Federal employment limitation**

A majority of the individuals on each subpanel that reviews an application under part B or C shall be individuals who are not employees of the Federal Government.

**(3) Use of discretionary funds for administrative purposes**

**(A) Expenses and fees of non-Federal panel members**

The Secretary may use funds available under part B or C to pay the expenses and fees of the panel members who are not officers or employees of the Federal Government.

**(B) Administrative support**

The Secretary may use not more than 1 percent of the funds appropriated to carry out part B or C to pay non-Federal entities for administrative support related to management of applications submitted under part B or C, respectively.

**(c) Program evaluation**

The Secretary may use funds made available to carry out part B or C to evaluate activities carried out under part B or C, respectively.

**(d) Minimum funding required**

**(1) In general**

Subject to paragraph (2), the Secretary shall ensure that, for each fiscal year, not less than the following amounts are provided under parts B and C to address the following needs:

- (A) \$12,832,000 to address the educational, related services, transitional, and early intervention needs of children with deaf-blindness.
- (B) \$4,000,000 to address the postsecondary, vocational, technical, continuing, and adult education needs of individuals with deafness.
- (C) \$4,000,000 to address the educational, related services, and transitional needs of children with an emotional disturbance and those who are at risk of developing an emotional disturbance.

**(2) Ratable reduction**

If the sum of the amount appropriated to carry out parts B and C, and part E of the Education Sciences Reform Act of 2002 [20 U.S.C. 9567 et seq.] for any fiscal year is less than \$130,000,000, the amounts listed in paragraph (1) shall be ratably reduced for the fiscal year.

(Pub. L. 91-230, title VI, § 682, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2797.)

REFERENCES IN TEXT

The Education Sciences Reform Act of 2002, referred to in subsec. (d)(2), is title I of Pub. L. 107-279, Nov. 5, 2002, 116 Stat. 1941, as amended. Part E of the Act is classified generally to part E (§9567 et seq.) of subchapter I of chapter 76 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9501 of this title and Tables.

PRIOR PROVISIONS

A prior section 1482, Pub. L. 91-230, title VI, § 682, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 149, related to parent training and information centers, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1482, Pub. L. 91-230, title VI, § 682, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1153; amended Pub. L. 100-630, title I, § 108(k), Nov. 7, 1988, 102 Stat. 3302; Pub. L. 101-476, title IX, § 901(b)(182), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§ 18, 25(a)(18), (b), Oct. 7, 1991, 105 Stat. 599, 606, 607, related to establishment of State Interagency Coordinating Councils, prior to repeal by Pub. L. 105-17, title II, § 203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

A prior section 1483, Pub. L. 91-230, title VI, § 683, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 151, which related to community parent resource centers, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1483, Pub. L. 91-230, title VI, § 683, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1154; amended Pub. L. 101-476, title IX, § 901(b)(183), (184), Oct. 30, 1990, 104 Stat. 1151; Pub. L. 102-119, § 25(b), Oct. 7, 1991, 105 Stat. 607, related to Federal administration, prior to repeal by Pub. L. 105-17, title II, § 203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

A prior section 1484, Pub. L. 91-230, title VI, § 684, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 152, which related to technical assistance for parent training and information centers, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1484, Pub. L. 91-230, title VI, § 684, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1154; amended Pub. L. 101-476, title IX, § 901(b)(185), Oct. 30, 1990, 104 Stat. 1151; Pub. L. 102-119, §§ 19(a)(1), (b), 25(b), Oct. 7, 1991, 105 Stat. 600, 601, 607; Pub. L. 103-382, title III, § 313(a), Oct. 20, 1994, 108 Stat. 3935, related to allocation of funds, prior to repeal by Pub. L. 105-17, title II, § 203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

A prior section 1484a, Pub. L. 91-230, title VI, § 685, as added Pub. L. 102-119, § 21(2), Oct. 7, 1991, 105 Stat. 602; amended Pub. L. 102-321, title I, § 161, July 10, 1992, 106 Stat. 375; Pub. L. 103-448, title II, § 204(w)(2)(B), Nov. 2, 1994, 108 Stat. 4746, related to establishment, composition, functions, etc., of the Federal Interagency Coordinating Council, prior to repeal by Pub. L. 105-17, title II, § 203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

A prior section 1485, Pub. L. 91-230, title VI, § 685, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 152; amended Pub. L. 106-402, title IV, § 401(b)(1), Oct. 30, 2000, 114 Stat. 1737, which related to coordinated technical assistance and dissemination, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1485, Pub. L. 91-230, title VI, § 686, formerly § 685, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1155; renumbered § 686 and amended Pub. L. 102-119, §§ 20, 21(1), Oct. 7, 1991, 105 Stat. 602, related to authorization of appropriations, prior to repeal by Pub. L. 105-17, title II, § 203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

A prior section 1486, Pub. L. 91-230, title VI, § 686, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 154, which authorized appropriations, was omitted in

the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

A prior section 1487, Pub. L. 91-230, title VI, § 687, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 154, which related to technology development, demonstration, and utilization and media services, was omitted in the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Prior sections 1491 to 1491o, which comprised former subchapter IX of this chapter, were repealed by Pub. L. 105-17, title II, § 203(a), June 4, 1997, 111 Stat. 157, effective Oct. 1, 1998.

Section 1491, Pub. L. 91-230, title VI, § 701, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3937, provided that former subchapter IX of this chapter could be cited as the “Families of Children With Disabilities Support Act of 1994”.

Section 1491a, Pub. L. 91-230, title VI, § 702, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3937, related to findings, purposes, and policy.

Section 1491b, Pub. L. 91-230, title VI, § 703, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3939, related to definitions.

Section 1491c, Pub. L. 91-230, title VI, § 704, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3943, related to grants to States.

Section 1491d, Pub. L. 91-230, title VI, § 705, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3944, related to information and assurances required in application for grant.

Section 1491e, Pub. L. 91-230, title VI, § 706, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3946, related to designation of lead entity by State desiring to receive grant.

Section 1491f, Pub. L. 91-230, title VI, § 707, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3946, related to designation or establishment by State of a State Policy Council for Families of Children with Disabilities and its composition, functions, etc.

Section 1491g, Pub. L. 91-230, title VI, § 708, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3949, related to activities authorized for use of grant funds.

Section 1491h, Pub. L. 91-230, title VI, § 709, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3951, related to creation and submission of strategic plan by lead entity of State in conjunction with State Policy Council.

Section 1491i, Pub. L. 91-230, title VI, § 710, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3952, related to progress criteria and reports.

Section 1491j, Pub. L. 91-230, title VI, § 711, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3952, related to administrative provisions.

Section 1491k, Pub. L. 91-230, title VI, § 712, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3953, related to technical assistance.

Section 1491l, Pub. L. 91-230, title VI, § 713, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3954, related to program evaluation by Secretary.

Section 1491m, Pub. L. 91-230, title VI, § 714, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3955, related to projects of national significance.

Section 1491n, Pub. L. 91-230, title VI, § 715, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3955, related to construction of provisions of subchapters I through VIII of this chapter as being inapplicable to subchapter IX of this chapter.

Section 1491o, Pub. L. 91-230, title VI, § 716, as added Pub. L. 103-382, title III, § 315, Oct. 20, 1994, 108 Stat. 3955, related to authorization of appropriations.

## CHAPTER 34—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

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### § 1501. Congressional statement of policy

The Congress hereby affirms that library and information services adequate to meet the needs of the people of the United States are essential to achieve national goals and to utilize most effectively the Nation's educational resources and that the Federal Government will cooperate with State and local governments and public and private agencies in assuring optimum provision of such services.

(Pub. L. 91-345, § 2, July 20, 1970, 84 Stat. 440.)

#### SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102-95, § 1, Aug. 14, 1991, 105 Stat. 479, provided that: “This Act [amending sections 1502 to 1506 of this title] may be cited as the ‘National Commission on Libraries and Information Science Act Amendments of 1991.’”

#### SHORT TITLE

Section 1 of Pub. L. 91-345 provided: “That this Act [enacting this chapter] may be cited as the ‘National Commission on Libraries and Information Science Act.’”

#### WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

Pub. L. 100-382, Aug. 8, 1988, 102 Stat. 898, authorized President to call and conduct a White House Conference on Library and Information Services to be held not earlier than Sept. 1, 1989, and not later than Sept. 30, 1991, to develop recommendations for the further improvement of the library and information services of the Nation and their use by the public, with a final report of the Conference to be submitted to the President not later than 120 days following the close of the Conference and to be made public and transmitted to the Congress together with a statement of the President containing the recommendations of the President with respect to such report.

### § 1502. Establishment

#### (a) Independent agency within executive branch

There is hereby established as an independent agency within the executive branch, a National Commission on Libraries and Information Science (hereinafter referred to as the “Commission”).

#### (b) Repealed. Pub. L. 102-95, § 2, Aug. 14, 1991, 105 Stat. 479

(Pub. L. 91-345, § 3, July 20, 1970, 84 Stat. 440; Pub. L. 102-95, § 2, Aug. 14, 1991, 105 Stat. 479.)

#### AMENDMENTS

1991—Subsec. (b). Pub. L. 102-95 struck out subsec. (b) which related to provision of administrative services for Commission.

**§ 1503. Contributions**

The Commission is authorized to solicit, accept, hold, administer, invest in the name of the United States, and utilize gifts, bequests, and devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Commission.

(Pub. L. 91-345, §4, July 20, 1970, 84 Stat. 441; Pub. L. 102-95, §3, Aug. 14, 1991, 105 Stat. 479; Pub. L. 108-81, title IV, §401, Sept. 25, 2003, 117 Stat. 1002.)

**AMENDMENTS**

2003—Pub. L. 108-81 substituted “solicit, accept, hold, administer, invest in the name of the United States, and utilize gifts, bequests, and devises of services or property,” for “accept, hold, administer, and utilize gifts, bequests, and devises of property.”

1991—Pub. L. 102-95 amended section generally. Prior to amendment, section read as follows: “The Commission shall have authority to accept in the name of the United States grants, gifts, or bequests of money for immediate disbursement in furtherance of the functions of the Commission. Such grants, gifts, or bequests, after acceptance by the Commission, shall be paid by the donor or his representative to the Treasurer of the United States whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Commission for the purposes in each case specified.”

**§ 1504. Functions and powers****(a) Advice to President and Congress; studies and surveys, plans; annual report**

The Commission shall have the primary responsibility for developing or recommending overall plans for, and advising the appropriate governments and agencies on, the policy set forth in section 1501 of this title. In carrying out that responsibility, the Commission shall—

(1) advise the President and the Congress on the implementation of national policy by such statements, presentations, and reports as it deems appropriate;

(2) conduct studies, surveys, and analyses of the library and informational needs of the Nation, including the special library and informational needs of rural areas, of economically, socially, or culturally deprived persons, and of elderly persons, and the means by which these needs may be met through information centers, through the libraries of elementary and secondary schools and institutions of higher education, and through public, research, special, and other types of libraries;

(3) appraise the adequacies and deficiencies of current library and information resources and services and evaluate the effectiveness of current library and information science programs;

(4) develop overall plans for meeting national library and informational needs and for the coordination of activities at the Federal, State, and local levels, taking into consideration all of the library and informational resources of the Nation to meet those needs;

(5) be authorized to advise Federal, State, local, and private agencies regarding library and information sciences;

(6) promote research and development activities which will extend and improve the Nation's library and information-handling capability as essential links in national and international communications and cooperative networks;

(7) submit to the President and the Congress (not later than January 31 of each year) a report on its activities during the preceding fiscal year; and

(8) make and publish such additional reports as it deems to be necessary, including, but not limited to, reports of consultants, transcripts of testimony, summary reports, and reports of other Commission findings, studies, and recommendations.

**(b) Contract authority**

The Commission is authorized to contract with Federal agencies and other public and private agencies to carry out any of its functions under subsection (a) of this section and to publish and disseminate such reports, findings, studies, and records as it deems appropriate.

**(c) Hearings**

The Commission is further authorized to conduct such hearings at such times and places as it deems appropriate for carrying out the purposes of this chapter.

**(d) Cooperation with other agencies**

The heads of all Federal agencies are, to the extent not prohibited by law, directed to cooperate with the Commission in carrying out the purposes of this chapter.

(Pub. L. 91-345, §5, July 20, 1970, 84 Stat. 441; Pub. L. 93-29, title VIII, §802(a), May 3, 1973, 87 Stat. 59; Pub. L. 102-95, §4, Aug. 14, 1991, 105 Stat. 479; Pub. L. 104-208, div. A, title I, §101(e) [title VII, §703(a)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-306; Pub. L. 108-81, title V, §505(a), Sept. 25, 2003, 117 Stat. 1004.)

**AMENDMENTS**

2003—Subsecs. (b) to (f). Pub. L. 108-81 redesignated subsecs. (d) to (f) as (b) to (d), respectively, and struck out former subsecs. (b) and (c) which related to Commission advising Director of Institute of Museum and Library Services on general policies with respect to duties, powers, and authority of Institute of Museum and Library Services, and provided for joint meetings between Commission and National Museum Services Board for the purpose of providing advice on general policy with respect to financial assistance for projects described in section 9162(a)(4) of this title.

1996—Subsecs. (b) to (f). Pub. L. 104-208 added subsecs. (b) and (c) and redesignated former subsecs. (b) to (d) as (d) to (f), respectively.

1991—Subsec. (a)(6). Pub. L. 102-95 substituted “national and international communications and cooperative networks” for “the national communications networks”.

1973—Subsec. (a)(2). Pub. L. 93-29 required the Commission to conduct studies, surveys, and analyses of the special library and informational needs of elderly persons.

**TERMINATION OF REPORTING REQUIREMENTS**

For termination, effective May 15, 2000, of provisions in subsec. (a)(7) of this section relating to submitting

annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 181 of House Document No. 103-7.

### § 1505. Membership

#### (a) Appointment; terms of office; Chairman; vacancies

The Commission shall be composed of the Librarian of Congress, the Director of the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member), and fourteen members appointed by the President, by and with the advice and consent of the Senate. Five members of the Commission shall be professional librarians or information specialists, and the remainder shall be persons having special competence in or knowledge of the needs of our society for library and information services, at least one of whom shall be knowledgeable with respect to the technological aspects of library and information services and sciences, and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly. One of the appointive members of the Commission shall be designated by the President as Chairman of the Commission. A majority of members of the Commission who have taken office and are serving on the Commission shall constitute a quorum for conduct of business at official meetings of the Commission.<sup>1</sup> The terms of office of the appointive members of the Commission shall be five years, except that—

(1) a member of the Commission appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed, shall be appointed only for the remainder of such term; and

(2) any member of the Commission may continue to serve after an expiration of the member's term of office until such member's successor is appointed, has taken office, and is serving on the Commission.

#### (b) Compensation; travel expenses

Members of the Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Commission or otherwise engaged in the business of the Commission, be entitled to receive compensation at a rate fixed by the Chairman, but not exceeding the daily equivalent of the maximum rate authorized for a position above grade GS-15 of the General Schedule under section 5108 of title 5, for each day (including traveltime) during which the members are engaged in the business of the Commission. While so serving on the business of the Commission away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons employed intermittently in the Government service.

#### (c) Professional and technical personnel

(1) The Commission is authorized to appoint, without regard to the provisions of title 5 cov-

ering appointments in the competitive service, such professional and technical personnel as may be necessary to enable it to carry out its function under this chapter.

(2) The Commission may procure, without regard to the civil service or classification laws, temporary and intermittent services of such personnel as is necessary to the extent authorized by section 3109 of title 5, but at rates not to exceed the rate specified at the time of such service for grade GS-18 in section 5332 of title 5, including traveltime, and while so serving on the business of the Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons employed intermittently in the Government service.

(Pub. L. 91-345, §6, July 20, 1970, 84 Stat. 442; Pub. L. 93-29, title VIII, §802(b), May 3, 1973, 87 Stat. 59; Pub. L. 102-95, §5, Aug. 14, 1991, 105 Stat. 479; Pub. L. 104-208, div. A, title I, §101(e) [title VII, §703(b)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-307; Pub. L. 108-81, title IV, §402, Sept. 25, 2003, 117 Stat. 1002.)

#### REFERENCES IN TEXT

The provisions of title 5 covering appointments in the competitive service, referred to in subsec. (c)(1), are classified to sections 3301 et seq. of Title 5, Government Organization and Employees.

The civil service laws, referred to in subsec. (c)(2), are set forth in Title 5. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsec. (c)(2), are set forth in chapter 51 (§5101 et seq.) and subchapter III (§5331 et seq.) of chapter 53 of Title 5.

#### AMENDMENTS

2003—Subsec. (a). Pub. L. 108-81, §402(2), (3), substituted “A majority of members of the Commission who have taken office and are serving on the Commission shall constitute a quorum for conduct of business at official meetings of the Commission” for “A majority of members of the Commission shall constitute a quorum for conduct of business at official meetings of the Commission.” in fourth sentence and “five years, except that—” and pars. (1) and (2) for “five years, except that (1) the term of office of any member of the Commission shall continue until the earlier of (A) the date on which the member's successor has been appointed by the President; or (B) July 19 of the year succeeding the year in which the member's appointed term of office shall expire, and (2) a member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.” in fifth sentence.

Pub. L. 108-81, §402(1), struck out after “services and sciences,” in second sentence “and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly”, which appeared twice.

1996—Subsec. (a). Pub. L. 104-208, §101(e) [title VII, §703(b)(1)(A), (B)(ii), (C)], in first sentence, substituted “Librarian of Congress, the Director of the Institute of Museum and Library Services (who shall serve as an ex officio, nonvoting member),” for “Librarian of Congress”, in second sentence, inserted “and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly” before period at end, and in third sentence, inserted “appointive” before “members of the Commission”.

Pub. L. 104-208, §101(e) [title VII, §703(b)(1)(B)(i)], substituted “special competence in or knowledge of” for

<sup>1</sup> So in original. Probably should be followed by a period.